

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 829 - HB 1308**

March 4, 2023

**SUMMARY OF BILL:** Establishes a process by which a person may voluntarily waive their right to lawfully purchase or possess a firearm.

Requires the person to file a voluntary waiver of firearm rights form with the clerk of the circuit court in the county of the person's residence. Requires the clerk to transmit the accepted form to the Department of Safety (DOS) by the end of the business day on which the form was received. Requires DOS to enter the voluntary waiver of firearm rights into the National Instant Criminal Background Check System (NICS) and other federal or state computer-based systems used by law enforcement agencies to identify prohibited purchasers of firearms within 24 hours of receipt of the form.

Allows the person, no sooner than seven calendar days after filing a voluntary waiver of firearm rights, to file a revocation of the voluntary waiver of firearm rights with the clerk of the circuit court in which the voluntary waiver of firearm rights form was filed. Requires the clerk to transmit the accepted form to DOS by the end of the business day on which the form was received, and destroy all records related to the person's voluntary waiver of firearm rights and revocation of voluntary waiver of firearm rights. Requires, within seven days of receiving a revocation of voluntary waiver of firearm rights, DOS to remove the person from NICS and other federal or state computer-based systems used by law enforcement to identify prohibited purchasers of firearms in which the person's voluntary waiver of firearm rights was entered. Requires DOS to destroy all records related to the person's voluntary waiver of firearm rights and revocation of voluntary waiver of firearm rights.

Establishes that a person who knowingly makes a false statement regarding the person's identity on a voluntary waiver of firearm rights form or a revocation of voluntary waiver of firearm rights form commits the offense of perjury. Creates a Class A misdemeanor offense for a person to sell or transfer a firearm to a person knowing that the person has executed a voluntary waiver that has not been revoked.

Requires the Administrative Office of the Courts (AOC) to develop the voluntary waiver and revocation forms, make them available to the public on its website, and distribute them to all circuit court clerks. Requires the circuit court clerks to make the forms available on the clerks' websites.

Effective upon becoming a law for purposes of developing forms and promulgating rules; effective on January 1, 2024 for all other purposes.

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## **FISCAL IMPACT:**

### **Increase State Expenditures – \$132,100/FY23-24 \$172,800/FY24-25 and Subsequent Years**

#### **Assumptions:**

- Based on information provided by the Tennessee Bureau of Investigation and the DOS, as the entering agency, the DOS would be required to have personnel available to respond to NICS inquiries related to denied firearm purchases from 7:00 am to 10:00 pm, and within a 72-hour window. They would also need to be available to respond to Tennessee Instant Check System (TICS) operators, and inquiries from other states.
- According to DOS, the department does not currently have the available personnel to allocate for this purpose, and will require three additional Safety Examiner 2 positions.
- The increase in state expenditures related to the positions is estimated to be \$189,591 (\$113,112 salary + \$40,779 benefits + \$16,800 office setup + \$18,900 administrative expenses) in year one.
- Because of the January 1, 2024 effective date, it is assumed that DOS will not need to hire the additional personnel until at least November 1, 2023. It is assumed that will provide a sufficient period for the department to onboard and train the new employees. Therefore, it is assumed that only 67.7 percent of the impact related to year one salary, benefits, and administrative expenses will be realized in FY23-24. The full increase related to office setup is assumed to be realized.
- The increase in state expenditures is thus estimated to be \$132,052  $\{[(\$113,112 \text{ salary} + \$40,779 \text{ benefits} + \$18,900 \text{ administrative expenses}) \times 66.7\%] + \$16,800 \text{ office setup}\}$  in FY23-24.
- The increase in state expenditures is estimated to be \$172,791 (\$113,112 salary + \$40,779 benefits + \$18,900 administrative expenses) in FY24-25 and subsequent years.
- The AOC can develop, distribute, and post the forms to the AOC website utilizing existing office resources.
- The proposed legislation is not expected to create a significant additional administrative burden on the circuit court clerks; any fiscal impact to the local courts is estimated to be not significant.
- The proposed legislation is not estimated to result in a significant increase in the number of convictions for perjury or knowingly selling or transferring a firearm to a person that has executed a voluntary waiver.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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